Supreme Court, U.S.
FILED
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NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

CHARLES W. JANOSIK PETITIONER (PRO SE)

vs.

JESSE BROWN RESPONDENT
SECRETARY OF VETERANS AFFAIRS

PETITION FOR WRIT OF CERTIORARI
TO THE
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Does the U.S. Federal Court have jurisdiction over tort claims? Are there any provisions in the VA., section 7104(a) of title 38 of U.S.C., or the 38 U.S.C.A.&511(a), or any other U.S.C. that has jurisdiction over Intentional Tort Claims? Is there any court in the United States that will accept the petitioner's evidence of wrong doing? Does my claim for Intentional Tort fall within the statutory grant of any jurisdiction? Is my claim of Intentional Tort in violation of the 14th Amendment of the United States Constitution? Does the United States District Court have jurisdiction over tort claims against the VA see Verner V. United States, 804,F.Supp.381(D.D.C. 1992); see also Martin V. Principi, 3 Vet.App.553(1992).

What court in the United States has jurisdiction over my Intentional Tort Claim. The VA courts state they have no statutory provisions for deliberate intentional tort, and the Federal Court states as a matter of right or justice it was out of their jurisdiction, therefore is this a violation of my constitutional rights under the 14th amendment? As a veteran am I protected by the Intentional tort claims Act.

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PETITION FOR WRIT OF CERTIORARI TO THE
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Petitioner, Charles W. Janosik, respectfully prays that a Writ of Certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Federal Circuit refusing my right into their Court based on the jurisdictional scheme and construed in harmony with their Congressional mandate and may not even in the interest of justice extend their jurisdiction where none exists. What Court lies within the jurisdiction of my claim? The United States Court of Appeals for the Federal Circuit states the Court's review in appeals from the Court of Veterans Appeals is limited by it statutory grant of jurisdiction. Therefore, I seek redress of my claim under the Federal Tort Claims Act stemming from Navy, VA. Psychiatrist and VA. adminstration of conspiracy of deliberate misdiagnosis (Schizophrenia).

OPINIONS

The opinion of the Board of Veteran Appeals (91-41-487) reported as indicated in Appendix A to this petition. United States Court of Veterans Appeals (COVA 92-381) Janosik v. Brown appears in Appendix B. United States Court of Appeals for the Federal Circuit (93-7072) Janosik v. Brown appears in Appendix C.

JURISDICTIONS

Board of Veterans appeals opinion in this matter was filed on Feb. 25, 1992. 38 U.S.C.A. 7104(a);38 C.F.R.S.-9112 appears in Appendix A. A petition was filed to the United States Court of Veterans Appeals March 23, 1992. 38 U.S.C. &511A appears in Appendix B. The United States Court of Appeals for the Federal Circuit filed Feb. 2, 1993, states the Court was limited by its statutory grant of jurisdiction (38 U.S.C. & 7292)(1988), as stated in judgment October 12, 1993, appears in Appendix C.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment 14 to the United States Constitution is set forth in Appendix D.

STATEMENT OF THE CASE

No opinion of the Federal Circuit Court was filed in this appeal. Inquiries to the Court's decision can not be honored as the deliberations of the panels of the panels of the court in particular appeals are not recorded.

This was a final judgment of the Federal Circuit Court. No further judicial review is available as a matter of right.

In a memorandum decision from the U.S. Court of Appeals, dated Nov. 4, 1993 stated Verner v. United

States F. Supp. 381(D.D.C.1992) (U.S. District Court has jurisdiction over tort claims against VA); see also Martin v. Principi, 3 vet.App.553(1992). Is the Federal Circuit in conflict with the Court of Veterans Appeals over jurisdiction of my appeal. I was not asking for VA benefits but was seeking and equivalent to the VA rating of disability and used this as a guide line. I understood clearly by the BVA and COVA that there was no statute of law in the VA for my claim of Intentional Tort and that my appeal was outside the VA system, leaving the petitioner nothing to contest.

The petitioner, Charles Janosik, during service September 1945 at Aiei Heights Hospital in Hawaii, the veteran was shackled by both feet and hands to a bed and injected with drugs simply because the veteran complained of severe headaches and the inability to sleep. During the time he was confined he was beaten several times. This treatment was continued for days until on the final injection the veteran became comatose. After the veteran regained consciousness he was no longer useful to these doctors and was within 3 days shipped back to the United States for separation

from the military. The Navy psychiatrist discharged me from the hospital and in their medical report stated I had a schizophrenic episode with a recommendation to the USMC that I be discharged from any further service. On January 1946 I was discharged from the USMC with honorable service requiring no medical or hospital treatment. The veteran was awarded a 60% disability for schizophrenia. In 1953 the VA dropped my disability to 10%.

In 1983 the VA wanted to remove the schizophrenia from the petitioner's records and informed the petitioner they no longer wished to compensate him for this mental disorder. During the 48 years they never asked the petitioner to undergo an examination that would have proved without a shadow of doubt that he never had this mental disorder of schizophrenia or any other mental disorder.

Because of what the Navy and VA did to the petitioner it prevented him from making a decent livlihood for he and his family. Since they denied the petitioner all of the G.I. Bill and

because the petitioner was forced to tell every possible employer when he applied for employment that he had this mental disorder of schizophrenia (which was a total lie). If the petitioner did not inform the employer the VA would do so. Because of this the petitioner was forced to go into his own business. This in itself proved both the Navy and VA the mental disorder they had labeled him was a deliberate misdiagnosis. No one with this mental disorder could operate such an enterprise the petitioner was in and make a success of it. The petitioner suffered both mental and physical anquish because of this treatment for 48 years.

While in the service a doctor or doctor's in the Navy are able to falsify a diagnosis so that research and experiments can be performed on a soldier without his or her consent. He could confine the soldier by shackling his hands and feet, give drugs, torture and beat leaving the persecuted individual to live with this the rest of his life and then later a cover-up by certain Depts.of the government that this occurred.

Therefore, as my claim stands today I have no rights as a veteran in the VA or a soldier in the military

to protect the individual from a doctor or doctor's and administrators of any deliberate wrong doing. Also, I have no rights in the court system of our country on this matter. I did not receive protection under the U.S. Constitution. All of the above because I was a soldier and later a veteran.

REASONS FOR GRANTING THE WRIT.

The Supreme Court should grant the petition of certiorari to clarify an erroneous application in cases where all available remedies have been exhausted.

CONCLUSION

For the reasons set forth above, a writ of Certiorari should issue to review the judgment of the United States Court of Appeals for the Federal Circuit.

Dated: January 12, 1994

Respectfully submitted,

Charles W. Janosik
Petitioner, Pro Se

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COV 92-381
Federal Circuit Court - 93-7072